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WORLD MARITIME UNIVERSITY

Dalian, China

**Assessment of China's Implementation of
MLC 2006**

By

Huang Xiaoguang

The People's Republic of China

A research paper submitted to the World Maritime University in partial
fulfillment of the requirements for the award of the degree of

MASTER OF SCIENCE

(Maritime Safety and Environment Management)

2018

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DECLARATION

I certify that all the material in this research paper that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this research paper reflect my own personal views, and are not necessarily endorsed by the University.

(Signature): ...Huang Xiaoguang.....

(Date): June.28th.2018.....

Supervised by Professor Bao Junzhong

Dalian Maritime University

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ABSTRACT

Title of Dissertation: **Assessment of China's Implementation of MLC 2006**

Degree: **MSc**

The maritime industry is a truly global industry, it bears about 90% of the world's trade cargo transportation tasks. Therefore, the development of the maritime industry plays a decisive role in the development of the world economy. Seafarers are the basic factor in the development of the maritime industry. Without the contribution of seafarers to humanity, half of the world's population will suffer from cold and hunger. In order to protect the rights and interests of seafarers, the International Labour Organization (ILO) issued a maritime labour convention (MLC2006) and entered into force on August 20th, 2013. The purpose of the convention is to strive for a better working environment for seafarers. It is called the "bill of rights" for seafarers and is collectively referred to as the "four pillars" of the international shipping industry together with the SOLAS Convention, the STCW Convention and the MARPOL Convention.

However, for many Chinese seafarers, the same decent and healthy working conditions as seafarers in developed countries were not easy to obtain for a long time in the past(Guo 2013), especially for seafarers working on small and medium-sized ships. On August 29th, 2015, reviewed and passed at the 16th meeting of the Standing Committee of the 12th National People's Congress of China, the Government of China formally approved its accession to the MLC2006. On November 12th, China formally handed over to the ILO the ratification document and completed the registration of the ratification process , the convention has formally entered into force in China since November 12th 2016. It can be said that

joining MLC2006 has played a milestone role in protecting the rights and interests of seafarers in China. It is beneficial to the government and shipping companies in regulating the mode of employment of the maritime industry, so that seafarers can get more in terms of wages, working hours, manning, accommodation, medical care and social security. Good protection will enhance the attractiveness of seafarers' careers so as to promote the development of the shipping industry.

Up to now, there have been very few domestic research on the effects after China's entry into MLC2006, the content of most researches basically to expound the positive significance and necessity of China's accession to the convention. On the basis of the seafarer's research and maritime work experience, this dissertation introduced the MLC2006, the background and timetable of China's accession to the MLC2006, the division of responsibilities of all departments during the compliance process. This dissertation not only analyzes how China has provided compliance from the flag state, port state, and seafarers in three areas, but also proposed conflicts that existed among them. Although these conflicts are not so prominent at the moment, the problems caused by these conflicts will become more and more serious in the foreseeable future. Finally, positive and predictable solutions are given.

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LIST OF ABBREVIATIONS

ACFTU	All-China Federation of Trade Unions
CCS	China Classification Society
CSA	China Shipowners Association
CSCWU	Chinese seamen & construction worker's union
DWT	Deadweight
FSC	Flag State Control
ILO	International Labour Organization
IMO	International Maritime Organization
ITF	International Transport Workers' Union
MARPOL	The International Convention for the Prevention of Pollution From Ships
MSA	Maritime Safety Administration
MOT	Ministry of Transport of the People's Republic of China
MOHRSS	Ministry of Human Resources and Social Security of the People's Republic of China
PSC	Port State Control
SOLAS	Convention on the Safety of Life at Sea
STCW	International Convention on Standards of Training, Certification and Watch-keeping for Seafarers

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1. INTRODUCTION

1.1 Background of research

In 2006, at the 94th Labour Conference held in Geneva, the ILO adopted the Maritime Labour Convention of 2006 which provide detailed and explicit regulations on the minimum requirements for seafarer's work on board, employment conditions, accommodation, recreational facilities, food and catering services, health protection, medical care, welfare and social security, compliance and enforcement. The essence of the convention is the establishment of an international labour standard for the realization of decent work of seafarer, it is called "bill of rights" for seafarers. China is not only a country that relies heavily on shipping and foreign trade, also is a country with a large number of seafarers that about 650,000 people are competent and qualified as seafarers, which account for approximate one-third of the world's seafarers. There is no reason which is not to be paid attention to the protection of the rights and interests of seafarers in China.

1.2 Objectives of research

By the research of the development of MLC2006 and the process of China's accession to the convention, the importance of the MLC2006 for the protection of seafarers' rights in China and the development of the shipping industry are easily comprehended. The division of responsibilities among various organizations can be made clear and the deficiencies in the implementation process can be discovered. The ultimate goal is to promote better implementation of the convention in China, protect seafarers' rights and interests and promote the development of China's shipping industry.

1.3 Methodology

The literature research method is to obtain information via the investigation of documents, so as to comprehensively and correctly understand a method for locating the problems in the research. The relevant backgrounds have been extensively reviewed, including appropriate ILO documents and circulars, international conventions, MSA materials, contemporary journal articles, books and information from websites. Questionnaires were used effectively. Electronic questionnaires were distributed to the seafarers in Shenzhen where is the busiest sea area in China, and then the completed questionnaire were collected, compiled and counted.

1.4 Layout of the thesis

This thesis consists of seven chapters. Chapter two introduces the necessity of China's accession to MLC2006, analyzes the reasons why China applied for accession in 2015, and enumerates the responsibilities of the Ministry of Human Resources And Social Security (Hereinafter referred to as MOHRSS), the Ministry of Transportation (Hereinafter referred to as MOT), the China Shipowner Association (Hereinafter referred to as CSA) and the Chinese Seamen &Construction Worker's Union (Hereinafter referred to as CSCWU) in the process of implementing the Convention. Chapter three discusses how China fulfills its convention obligations in three aspects: the flag state, the port state, the seafarer. Chapter four assess the effect of the implementation of the mlc2006. Chapter five puts forward three aspects of conflicts in the process of compliance. Chapter six proposes predictive solutions to the problems identified. Finally, Chapter seven, discourses the overall summaries and conclusions.

2. Review of China's entry into MLC2006

2.1 About MLC2006

2.1.1 Introduction of MLC2006

In recent years, due to the increase in the number of ships with convenience flags in the maritime industry, the emergence of new ship registration systems, the progress in ship technology and the increase in the number of seafarers of different cultures and languages in the same ship, the international tendency of the shipping industry has been further strengthened. However, because the approval rate of the ILO's maritime conventions has been low, it has been lacking in universally accepted uniform international labour standards and appropriate enforcement mechanisms. Therefore, the ILO decided to establish a new maritime labour convention. In January 2001, after careful weighing and argumentation at the ILO's 29th Joint Maritime Commission Meeting, lawmakers decided to formulate a unified framework convention based on the integration of existing maritime labour standards, which was called "Geneva Agreement". This agreement is a historic decision for the development of maritime labour standards. At the same time, the Joint Maritime Committee also decided to recommend that the council establish a high-level tripartite working group on international maritime labour standards to carry out the work of consolidating the conventions. The working group held three sessions in December 2001, October 2002 and June 2003 respectively. It discussed the merger of maritime conventions and the formulation and revision of the “Maritime Labour Convention (draft)”, then held a preparatory meeting of the Maritime Conference in 2004. The ILO adopted the convention at the 94th Labour Conference held in Geneva on February 23rd, 2006, with 314 votes in favor, 0 against and 4 abstentions. In accordance with Article 8 of the MLC2006, after at least 30 countries have ratified and the total merchant tonnage of these countries accounts for 33% of the total tonnage of the world's merchant ships,

they will enter into force twelve months after the date. On August 20th, 2012, the number of contracting member states of the convention reached 30, and the total tonnage of the charter vessels of the states parties exceeded 33% of the total tonnage of ships in the world, the convention entered into force 12 months later, on August 20, 2013. (Li 2016)

2.1.2 Features of MLC2006

Because MLC2006 is global in nature, some of its features also help states to apply.(China MSA 2015)

2.1.2.1 Integrated many conventions and proposals

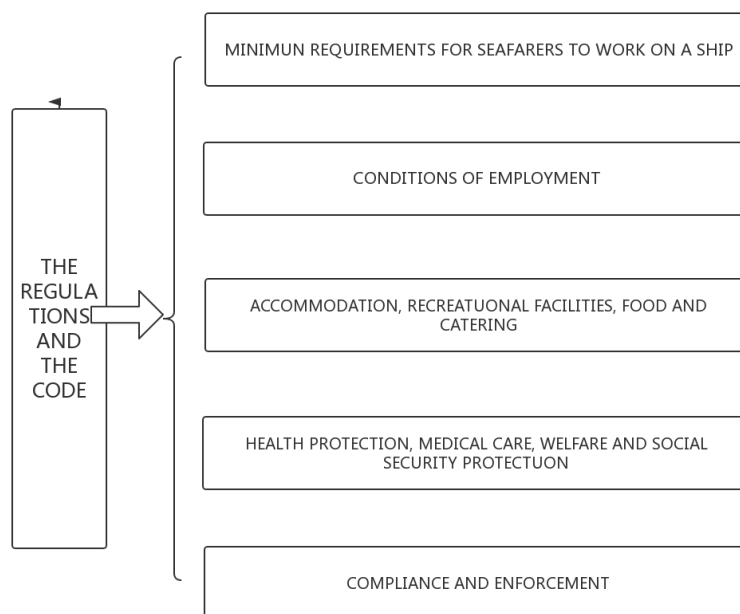
Since its founding, ILO has passed more than 180 effective international conventions including 40 maritime labour conventions and 29 maritime labour proposals. Because ILO's ability to approve and enforce the law is not sufficient in its early days and the corresponding legal mechanism is lacking, many maritime labour conventions can not keep up with the change of the situation. In this context, the Joint Maritime Commission adopted a resolution on the consideration of the ILO related maritime documents in January 2001, and decided to establish a high-level three party working group on maritime labour standards and to integrate nearly 70 international labour conventions and proposals as an integrated maritime labour convention. MLC2006 has integrated 68 existing maritime labour documents, which symbolized the entry into a new stage by the ILO in promoting the implementation of the convention.(Adăscăliței 2014)

2.1.2.2 Provisions of MLC2006 are hierarchical

MLC2006 draws on the provision of the STCW and includes three distinct but related parts: provisions, rules, and codes. The provisions and rules mainly stipulate the core powers and principles as well as the basic obligations of the member states that have ratified this convention. The code contains details of the implementation of the rules

and is divided into two parts. Code A is a mandatory standard and code B is a recommended one. “Explanatory Note” section which is added after the articles does not constitute an integral part of the convention. The purpose is to provide the government with further information and assistance on different parts of the code.(Wang&Gao 2006)

Figure1: Five titles of the MLC2006



2.1.2.3 Combination with the characteristics of the maritime industry

In order to enhance the effectiveness of the MLC2006, the IMO's flag state inspection and certification, port state control (PSC) and non-concession principles were introduced. Member States shall ensure that the ship flying any state's flag without ratification of this convention is not given more favourable status than ships flying the flag of any State with ratification of this convention, neither should the latter ship be in a disadvantaged position because the convention has been ratified by the flag State, nor should former ship have any additional care for its ship because the convention has not ratified it. The flag state certification and the port state control

system are merely applicable to ships engaged in international navigation or sailing between foreign ports of more than 500 gross tons, the certification system can also be applied to other ships in accordance with the ship owner's application. The ship's effective maritime labour certificate and maritime labour compliance declaration are “preliminary evidence” of the ship's compliance with the requirements of the convention. Unless there are obvious reasons for ensuring that the work and living conditions of the ship are not in conformity with the requirements of the convention, the port state control is limited to the inspection of the maritime labour certificate and the maritime labour compliance declaration. The above implementation mechanism of the convention draws on the existing maritime supervision system, which fully reflects the industry characteristics of maritime labour rights protection(Kang 2008).

2.1.2.4 The flexibility of the Implementation of the MLC2006

While the convention expresses the principle of the protection of seafarers' rights and interests, it also gives sufficient flexibility in many aspects. For example, the convention requires member states to fully perform “seafarer employment and social rights” (article IV of the text), but this performance can be realized through domestic laws and regulations, joint discussions or other feasible methods. With the exception of Part A of the Code of conduct and implementation of Title 5, the convention allows member states to implement Part A of the Code (Article VI, paragraph 3 of the main body), if necessary, through “substantial equivalence”. The convention also gives members a certain amount of grace by adopting clauses that “can be determined after consultation with shipowners and seafarers’ organizations when in doubt”. These flexibility measures avoid the heavy burden on the government and shipowners, which makes it easier for the convention to achieve universally acceptable goals.

2.2 The necessity and advantages of China's enter into MLC2006

2.2.1 Seafarers and shipping industry are very important to China

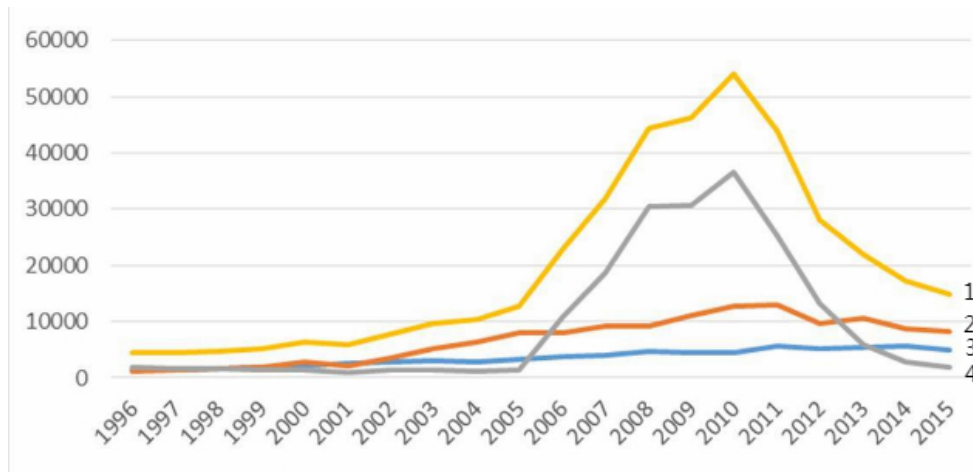
China is a country that relies heavily on shipping and foreign trade. The maritime industry is an important factor in promoting the development of China's national economy. After several decades of rapid development, the total number of seaborne merchant ships in China has reached 13,000, and the total load has reached approximately 145 million DWT and the sea freight volume has reached 2.6 billion tons. Among 10 busiest ports in the world, 6 ports are in China. In accordance with statistics from the China MSA, as of December, 31st, 2013, there were 57,4117 registered seafarers in China which has become one of the countries with the largest number of seafarers in the world(China MSA 2013). Seafarers are traditional high-risk and hard-working occupations with high work intensity, poor living environment and high risk of injuries. In particular, the relatively slow growth of seafarers' income, longer running time at sea, shorter lay-time in port, increased labour intensity of seafarers and rampant piracy have caused more and more seafarers to switch to work on land, this is not a good tendency (Liu 2014). Regardless of the scale of Chinese seafarers, the development trend of the world's shipping industry and the attention of the international community, China needs to enter into MLC2006.

2.2.2 The advantages of China's ratification of the MLC2006

2.2.2.1 Strengthening protection of seafarers' rights and interests

In recent years, the number of new seafarers in China has been decreasing year by year, especially senior seafarers are in short supply.

Figure 2: Number of student enrollment in navigational majors in China (1996-2015)



Source: Xinde Marine News

Line 1 represents the total number of students majoring in navigation, Line 2 represents the number of students majoring in navigation in higher vocational schools, Line 3 represents the number of students majoring in navigation in university, Line 4 represents the number of students majoring in navigation in secondary schools. It can be seen that the total number of students studying navigational majors has fallen dramatically since 2010.

The ratification and implementation of the MLC2006 will help the government and shipping companies regulate the employment patterns of the maritime industry so that seafarers can be better protected in terms of wages, working hours, manning, accommodation, medical care and social security, as well as increase the attractiveness of seafarers' careers and promote the development of the shipping industry.

2.2.2.2 Strengthening the right to formulate international standards

Dependent upon the MLC2006, the government of the ratifying state has the right to vote on the revision of the convention, and the government of the unapproved state can only participate in the deliberation and has no voting rights. Ratifying the MLC2006 will give the government of China more rights to revise this important international rule. (Zhang& Zhao 2014)

2.2.2.3 Providing countermeasures to the trade struggle

After ratifying the MLC2006, it is possible to carry out port state inspections of foreign vessels visited, and thus have countermeasures to prevent the MLC2006 on “detention vessels” from being abused by other countries. (Zhang& Zhao 2014)

2.3 Why did China apply to MLC2006 in 2015

Why is 2015? As one of the sponsors of the MLC 2006, although China did not approve the implantation of the convention for the first time, it has been actively concerned since the beginning of the MLC2006. Approval to the implantation of the MLC2006 is a much complicated process, it requires the formulation and revision of domestic laws and regulations, the adjustment of management system and mechanisms, etc. It takes time to prepare. After a series of adequate preparations, the government of China submitted an application to the ILO in August 2015. (Special note: The MLC2006 is not applicable to Hong Kong and Macao)

2.3.1 Requirements of the ratification prepared in the laws and rules

China has formed the system of laws and regulations that guarantee the rights and interests of seafarers. Including the labour Law of the People's Republic of China, labour Contract Law of the People's Republic of China, Regulations of the People's Republic of China on Seafarers, Regulations of the People's Republic of China on the Administration of the Allocation of Seafarers and other regulations.(International Labour Standards Department and Sectoral Activities Programme 2009)

2.3.2 Chinese seafarers’ export recruitment and resettlement management legible to the requirements of the MCL 2006

China has optimized the management system for the dispatched seafarers and adjusted

the management responsibilities of seafarers working for foreign nationality ships. The regulations for the management of the service of the seafarers in China, the notice on strengthening the management of foreign labour service cooperation, the regulations on the management of foreign labour cooperation and the regulations for the management of the foreign staff of Chinese seafarers are implemented. These regulations further standardize the seafarer service market, maintain the legitimate rights and interests of seafarers, and create conditions for the effective implementation of the "Labour Supply Liability" required by the MLC2006.

2.4 The division of responsibilities of the departments concerned is determined

The Government of China attaches great importance to the MLC2006. During the drafting of the convention, Ministry of Transport (MOT), Ministry of Human Resources and Social Security (MOHRSS), All-China Federation of Trade Unions(ACFTU) and China Shipowner Association (CSA) all actively participated in the drafting of the convention and voted in favor during the adoption of the convention.

2.4.1 MOHRSS

The MOHRSS is the centralized management department of the ILO in China, which is responsible for direct communication and coordination with the ILO. In the work of maritime labour certificate inspection, the MORSS is responsible for the supervision and inspection of the minimum age, salary payment, labour time, labour contract, rest and vacation, social insurance and so on in the convention. Each of its subordinate units is responsible for the implementation of the supervision and inspection of the implementation of state labour security laws, regulations, and other laws concerning the labour Law of the People's Republic of China and the labour Contract Law of the People's Republic of China. In addition, China's labour dispute mediation and arbitration system and maritime courts provide judicial channels for handling disputes

between seafarers and shipping companies(China MSA 2013).

2.4.2 MOT

As the authority of the maritime shipping industry, MOT is specifically responsible for the implementation of the MLC2006 and cooperates with the MOHRSS to do a good job in the assessment report. The MOT has a maritime administrative enforcement team which is called China Maritime safety Administration (MSA). China MSA has been effectively performing the functions of port state control, flag state control and seafarer management and has laid a good foundation for meeting the requirements of the MLC2006. The maritime agencies in various regions are responsible for the implementation of the inspections in the convention involving the management of ships and seafarers, including seafarer health certificates, seafarer qualifications, ship-assembling accommodation, on board entertainment facilities, video and meal services, health and safety, and on-board complaint procedures. In addition, the China MSA authorized China Classification Society (CCS) to specifically be responsible for the inspection and certification of maritime labour certificates.

2.4.3 CSA

The CSA was established in April 1993 and is a non-profit social organization. Its purpose is to protect the legitimate rights and interests of Chinese shipping companies, form a self-discipline mechanism and play a role as a bridge and link between the government and shipping companies. As an important negotiating partner and assistant of the government authorities, CSA has played an active role in the tripartite coordination mechanism of the MLC2006. The CSA and the CSCWU hold regular collective consultation meetings each year to discuss the minimum standard salary, minimum food expenses, extended subsidies, and evaluate the provisions of the China Seafarer Collective Agreement (Zhang 2013).

2.4.4 Chinese Seafarer & Construction Worker' s Union (CSCWU)

The CSCWU is a national industrial labour union organization under the leadership of the ACFTU. It is the representative and defender of the seafarers' legitimate rights and interests, guarantees the economic benefits of seafarers through a collective bargaining system. Whilst seafarers' rights are violated, the CSCWU assist them with coordination. Moreover, as the managers of the International Seamen's Club , CSCWU provide seafarers with onshore welfare facilities(Li&Wu 2006).

3. Approaches of the implementation of MLC2006 in China

The MLC2006 stipulates the performance obligations from the three perspectives: the flag state, the port state and crew providing state. China is not only the world's major flag state, but also a major port state, or a major supplier of crew members.

3.1 Flag State

3.1.1 National legislation

The legal system for seafarers' management in China is mainly composed of two series of regulations. The first is the seafarer's legal system, such as the "Regulations of the People's Republic of China on Seafarers", "Measures for the registration and management of the seafarers in People's Republic of China", "Seafarer Training Rules " , " Rules for the Certification of Seafarers", " Rules for Seafarer Service Organizations, "Rules for the Administration of Seafarers' Dispatchment". These regulations clarified the rights and liabilities of seafarers, established the qualifications for seafarer registration and appointment, seafarer training agencies and service agencies, determined the six rights of seafarers on the basis of connecting with labour law, which are social security rights, health rights, sign labour contracts rights, remuneration rights, leave rights and repatriation rights. The contents of the seafarer regulations are in line with the MLC2006.

The second aspect is the labour law system. The labour law system in China consists of the labour Law, labour market and employment legal systems , labour contracts and collective contract systems, vocational training systems, labour compensation and welfare systems, working hours and vacation systems, labour safety and labour protection systems, social insurance and welfare systems, protection of special populations (such as the “Provisions on labour Protection of Female Employees”, “Special Protection Regulations for Juvenile Workers”and “Prohibition on the Use of Child labour Regulations”) , supervision and inspection systems for labour laws, and labour dispute settlement systems. These legal system, together with the democratic management system of trade unions and workers, constitutes a system for the protection of labour rights and interests.

3.1.2 Tripartite mechanism

The most distinctive feature of the MLC2006 is the tripartite mechanism. In 2009, China established the Tripartite National Maritime Labour Relations Consortium consisting of the MOT, CSA and CSCWU. The CSA and CSCWU have signed a Chinese seafarers’ collective agreement every year. These mechanisms and agreements help to carry out tripartite negotiations and fulfill the specific requirements of the MLC2006. In recent years, there have been successive establishment of tripartite coordination mechanisms for maritime labour relations between the area of Shanghai, Tianjin, Hebei, Shandong, Zhejiang, Fujian, Guangdong, Heilongjiang, etc, which basically achieved the coverage of tripartite coordination mechanisms in coastal provinces(Yang 2017). With regard to the large number of issues that need to be resolved through tripartite negotiation in the convention, each working group should organize the list of issues to be solved by the tripartite coordination mechanism for maritime labour relations and make full use of the platform of the tripartite mechanism to negotiate. There are many problems that cannot be solved by the one party alone. They must be resolved through equal

consultation under the guidance of the competent authority. Take minimum wage for example, the Chinese regulations only stipulate the minimum wage in the region and do not involve the industry's minimum wage. Seafarers' minimum wage is liable to only be negotiated and resolved rely on the platform of the tripartite mechanism.

3.1.3 Inspection and certification system

China established a flag state inspection and certification system. The maritime labour certificate is the most direct evidence that a ship meets the requirements of MLC2006. The MOHRSS and the MOT have formed an agreement to jointly act as the competent authority to perform the duties of flag state inspection and certification. The MOHRSS and the MOT jointly issued the “Measure for the Inspection of Maritime Labour Conditions” and implemented it on January 1st, 2017. This measure provides detailed provisions on the conditions of application, inspection scope, inspection contents and requirements for the initial inspection, replacement inspection, intermediate inspection, and additional inspection. The first is periodic inspections, every three years to carry out a comprehensive inspection of whether the ship meets the criteria for maritime labour conditions; the second is an additional inspection, when there is a substantial change in the seafarer accommodation on board, or the seafarer complains, and provides evidence to show that there are problems with the maritime labour conditions of the ship, or if the inspection organization believes that the inspection should be conducted, the ship should accept additional inspections of maritime labour conditions; the third is temporary inspection, the temporary inspections were carried out under three conditions: one was the new ship that had just been delivered, the other was the change in the nationality of the ship, and the third was that the shipowner had newly assumed responsibility for the operation of the ship.(Activities, S. 2008)

3.1.4 Survey and certification system

Ship certificates of survey are the documents issued by the surveying agency after

technical inspection of ships. The MOT currently has 4,450 registered surveyors, and has established a complete ship survey and certification system. There are 29 provincial-level ship survey agencies and 495 branches all over the country. China Classification Society (CCS) has 16 branch offices and 49 offices. In 2010, a total of 251,287 ships were inspected and registered by the national ship survey agencies, with a total tonnage of 106,010,000, of which 1,552 ships were international voyages and the total tonnage was 21.69 million tons. The perfect organization and consummate technical team provide sufficient guarantee for meeting the requirements of the “Maritime labour Certificate” and the “Maritime Labour Compliance Declaration”.

3.2 Port State

On the one hand, the MLC2006 port state control (PSC) mechanism was established and implemented within the framework of the Tokyo MOU. During the implementation, the guidelines for PSC in China have been established in conjunction with the ILO guidelines. Port state control officer (PSCO) will check the status of ships entering the port to implement the MLC2006. If the ship does not meet the requirements of the convention, the PSCO may urge it to rectify or detain the ship. The MLC2006 also stipulates that the non contracting ships can not be given preferential treatment.

On the other hand, shore-based procedures for seafarer complaints were established. The Measures for the Administration of the Working and Living Conditions of Sea-going Ships promulgated by the China MSA stipulates that the shipowner should establish and operate a complaint handling procedure on board and provide each seafarer with a copy of the procedure, ensure that seafarers' complaints are handled fairly, effectively and promptly on board. Records of complaints and settlements on board should be retained and a copy provided to the seafarer. At the same time, it is stipulated that the onboard complaint procedure must not prevent the seafarers from

submitting direct complaints to the captain, shipowner and relevant authorities. The shipowner must not retaliate in any form against the seafarer making the complaint.(Cai 2008)

3.3 State providing the seafarer

On the one hand, the seafarer service agency is regulated. The standardization and integrity of the seafarer service organization directly affect the interests of the shipowner and the seafarer. The MLC2006 clearly stipulates that the labour-supplying state should regulate the behavior of the service organization. The promulgation and implementation of the provisions of the People's Republic of China on Crew Service Management and the Circular on Strengthening the Administration of Foreign Service Cooperation in the Management of Outsourced Seafarers, the Regulations on the Administration of Foreign labour Service Cooperation, and the Provisions on the Administration of the Administration of the Overseas Shipping of the People ' s Republic of China, making seafarer service market further standardized.

On the other hand, it is necessary to provide seafarers with adequate social security. Albeit social security has not been included in the 14 areas of inspection and certification of the MLC2006, it is still an important part of the convention. The convention places the responsibility for social security to the seafarer's nationality, but its responsibility is vested in the convention. The convention does not exclude the provisions of the member states through bilateral or multilateral agreements to determine other provisions concerning the social security legislation of seafarers. The social insurance law, which has been formally implemented in China in July 2011, has established social insurance system such as basic endowment insurance, basic medical insurance, industrial injury insurance, unemployment insurance, birth insurance and so on, providing comprehensive social security protection for citizens including seafarers.

4. The effect of the implementation of the MLC2006

4.1 Positive impact on seafarers

4.1.1 The salary of seafarers is guaranteed and the salary delay is reduced

According to data from the CSCWU, the base salary of seafarers in China has increased by an average of 7.5% over the past two years. Among them, the base salary of sailors and mechanics has risen by 8%, that of third officer and third engineer has risen by 5%, and that of other positions has risen by 7 %. The tripartite coordination mechanism for maritime labour relations is an important guarantee mechanism for the seafarers' salary in China. At the Tripartite Coordination Meeting on National Maritime Labour Relations held on November 24, 2017, the China MSA, the CSA and the CSCWU negotiated the salaries of seafarers collectively .It is decided that from January 1st, 2018, the basic salary of the seafarer will increase by 2% to 3%, and that the seafarer who serve the boat for more than 11 months will enjoy additional extended subsidies. The daily minimum food cost standard for seafarers on global routes also rose to US\$9 and US\$7 respectively(Wang 2017).

When a ship is docked in a port in China, seafarers may make an onshore complaint to the maritime authorities. Where a ship is covered under the "China Crew Collective Agreement (A)", the seafarer may make complaints, lawsuits or arbitrations in accordance with the provisions of Chapter XII of the agreement, and may also make complaints through the legal department of the local provincial and municipal federation of trade unions. Due to the above measures, the situation of delaying wages has been greatly improved. From the results of the author's Shenzhen seafarers' questionnaire survey, almost all of the surveyed crew members have not experienced delays in wages since November 2016.

4.1.2 Seafarers' awareness of their rights protection has been enhanced

Since China joined the MLC2006, each shipping company has organized seafarers to

learn the content of the convention as required, and seafarers' awareness of their rights protection has been clearly enhanced. The author's survey of seafarers in Shenzhen revealed that 90% of the seafarers stated that they would read the employment agreement or the on-boarding agreement and other legal documents before signing the contract, ensuring that the agreement provided for wages and benefits, labour standards, service terms, repatriation conditions, etc. 85% of seafarers said that if their rights and interests are violated, they will be subject to legal protection. 67% of seafarers stated that they understand relevant regulations regarding labor litigation or arbitration.

4.2 Negative effect

4.2.1 May cause the small and medium ship company to go bankrupt

Figure 3: Baltic Dry Index (2014-2018)



Source: www.eworldship.com

As can be seen from the above table, the BDI has remained below the 1,500 point break-even point for most of the time since 2016. It can be said that the continuous downturn in the market has made the small and medium-sized shipping companies miserable.

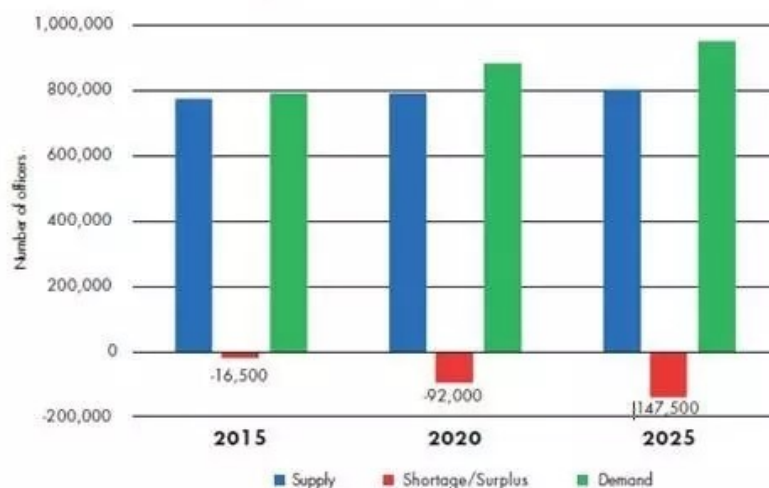
The low cost of seafarer wage is an important reason for the rapid development of the Chinese shipping industry in recent years. Taking a small company in Taizhou region as an example, the seafarer wage required to maintain fleet operations are about 30% of the total operating costs, while the fleets of developed countries have about 45% of the total operating costs. With such low operating costs, the small company can compete for international maritime cargo transportation with a lower freight rate. However, in order to meet the requirement of the MLC2006, the company not only has to invest costs to improve the seafarers' work and living environment, but also pays higher wages and other welfare. Considering the sluggish shipping market, many Chinese shipping companies will be in trouble. The reality has already emerged from this trend. Data indicate that there were 77 shipping companies in the Taizhou region at the end of 2016, of which 11 companies were out of business, and there were still signs of increase.

4.2.2 Cause the dispatched seafarers to lose their jobs

In 2016, the number of seafarers dispatched by China reached 145,000, which ranked second in the world. The advantage of Chinese dispatched seafarers in the international market is lower wages(He 2017). With the increasing anti-pollution requirements of ships, the development of new types of fuel ships will be popular and new technologies will be widely used. The future seafarers' labour market will show the scarcity of senior seafarers and the surplus of ordinary seafarers. Most Chinese seafarers are at a disadvantage in terms of their business capabilities, English level and service philosophy(Shi 2014). Under the requirements of the MLC2006, all shipowners hire seafarers in any country must pay higher wages and provide higher welfare conditions. As a result, ordinary Chinese seafarers lose their attraction to foreign shipowners. Therefore, it is even more difficult for Chinese seafarers to break into the international market.(Zhang 2013)

Table 1: Basic fore for the future supply-demand balance for officers

Basic forecast for the future supply-demand balance for officers



ESTIMATED SUPPLY-DEMAND BALANCE FOR OFFICERS			
	2015	2020	2025
Supply	774,000	789,500	805,000
Demand	790,500	881,500	952,500
Shortage/Surplus	-16,500	-92,000	-147,500
%	2.1%	11.7%	18.3%

Source: Xinde Marine News

As can be seen from the above table, senior seafarers in the future will be very scarce. If Chinese dispatched seafarers are not striving to improve their working ability, they will face great unemployment pressure in the future.

5. The current existing problem

China has done a lot of work since entering into MLC2006 in November 2016, the protection of seafarers' rights and interests has made positive progress. However, there are still some issues that need to be resolved in the process of implementing the convention.

5.1 The disadvantages brought by the dual management system

MLC2006 performance is held by two competent authorities in China, they are ministry of transport (MOT) and Ministry of Human Resources and Social Security

(MOHRSS). Owing to the particularity of this dual management relationship, there are the following problems:

5.1.1 Confusion caused by dual management agencies

In the field of labour supervision, there is a situation of dual management of ordinary labour security supervision institutions and special maritime supervision institutions, and the division of authority is not clear. The current provisions of relevant laws and regulations on maritime labour supervision in China are merely superficial and lack practices in the field of operations. As stipulated in the “Regulations on Labour and Social Security Supervision,” the supervisory team of the MOHRSS did not go to the actual work place of the seafarers to carry out labour inspections. Moreover, they did not have professional knowledge of marine labour inspection(Jiang& Zhao 2016). They are merely liable to supervise some simple issues and cannot fundamentally solve the problem that the rights and interests of seafarers cannot be guaranteed. The MOHRSS departments are not much familiar with the acquisition, endorsement and training of seafarer qualification certificates in the shipping industry. They are not familiar with the MLC2006 and can not independently handle the management of foreign-related seafarers. In addition, it is also a problem that the MSA does not have the authority to handle labour arbitration. labour arbitration is an important job authority that the labour law and labour arbitration law give the labour department, and it is an effective measure to resolve labour disputes. Labour arbitration is a quasi-judicial act and its implementation requires strict legal authority. Although MSA has the most direct contact with seafarers, it does not have the function of labour arbitration without legal authorization and cannot engage in maritime labour supervision(Huang 2016).

Table 2: The crew's choice of labour fights protection approaches

Type of seafarer	The first choice of the way of right protections(proportion)	The second choice of the way of right protections(proportion)
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Domestic coastal ship crew	MSA (31.49%)	Shipowner (25.60%)	maritime court (30.24%)	MSA (27.57%)
Chinese ocean-going ship seafarer	Captain (41.84%)	Shipowner (34.13%)	Return home complaints (63.27%)	Complaints to port State authorities (19.34%)
Expatriate seafarer	Seafarer dispatch agency(38.74%)	Captain (26.61%)	Return home complaints (48.88%)	Complaints to port State authorities (17.25%)
seafarer on vacation	Employer (58.79%)	MSA (20.15%)	labour security department (42.08%)	MSA (29.01%)

Source: The impact of the MLC2006 on the protection of the overall rights and interests of seafarers in China and its countermeasures.(Xia 2015)

As demonstrated in Table 2, when seafarers working on domestic coastal vessels seek help in the case of labour disputes, the first choice is mostly the MSA. Less than 16% of seafarers seek the help from the labour and social security department. Whether it is the first choice or the second choice, the MSA is one of the most familiar and effective organization they believe.

5.1.2 Labour inspection site is not fixed

China's labour inspection system is based on the supervision of the company's registered place. The "Regulations on Labour and Social Security Supervision" stipulates the territorial jurisdiction of employers, but due to the mobility of ship transportation, the labour security supervisory agency can only supervise ship companies. When the area where a ship is sailing or docked is not registered on the ship, the local labour monitoring agency cannot supervise and inspect it. In practice, the assignment of seafarer to their workplaces is beyond the reach of the domestic supervisory agencies.

5.1.3 The differences of standards of social insurance in various regions

In the overseas PSC inspections, because China's domestic seafarers' social security

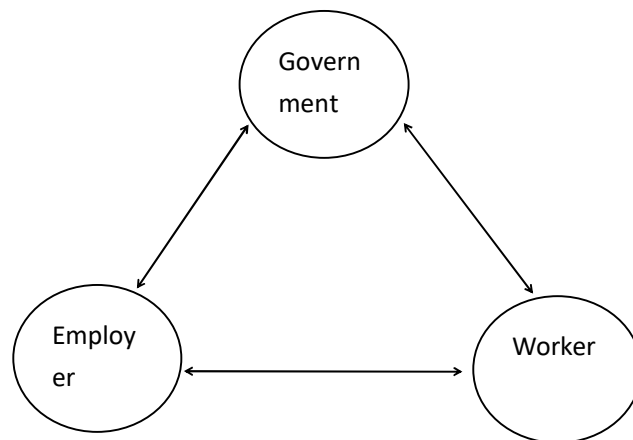
contributions are inconsistent with various city standards, the ship cannot achieve to provide uniform social security payment data during international labour standards inspections, or social security payment data cannot explain unequal pay for equal work.

5.2 The weakness of Seaman's Union

5.2.1 China's seafarer& construction worker ' s unions (CSCWU) not sufficiently independent

A notable feature of the ILO is tripartite, that is, the various meetings of the organization have the following three parties involved: the first is the government, the second is employers (owners in the shipping industry whose representative organization is the International Shipping Federation: ISF), the third is workers (mainly seafarers in the maritime industry, whose representative organization is the International Transport Workers' Union: ITF). The representatives of the three parties have independent and equal rights to speak and vote and are not bound by the state.(Guo 2014)

Figure 4: Tripartite of ILO



Labour unions play an important role in protecting the rights of seafarers. As China is still in the stage of developing and the special nature of seafarers' occupations, the strength of the CSCWU is currently relatively weak. On the one hand, the proportion of seafarers who are really engaged in maritime work among union staff members is low, and labour union representatives are not strictly elected. On the other hand, the CSCWU is affiliated to the All-China Federation of Trade Unions. Its high reliance on superior executives has led to labour unions only having the functions of encouraging employee production and does not have the function of aggregating the interests of workers. Therefore, when the seafarers' rights and interests are damaged, they are able to get much limited assistance and support from the CSCWU. In general, the independence of the CSCWU is still relatively lacking, which is not conducive to the enhancement of the work of the seamen association. Especially in the special industry of maritime transport, shipping companies often have a dominant position in labour relations due to their abundant funds. For example, most of the labour contracts are in the format contract formulated by the shipowners, which favors the interests of shipowners and aggravates the seafarer's rights. There is not sufficient time for the seafarer to negotiate, there is no channel for detailed consultation with the shipowner on the terms of the contract. In the event of labour disputes, the seafarer are often isolated and in absolute weakness. This issue should have been the focus of the work

of CSCWU. However, in reality, the actions of the labour union on these issues can not help but disappoint.

5.2.2 The influence of CSCWU is weak

In May 2018, the author conducted an electronic questionnaire survey among seafarers in Shenzhen. A total of 120 questionnaires were retrieved. It can be seen from the table that the participation of seafarers in Shenzhen in the work of the CSCWU is not very good.

Table 3 :Questionnaire on Seafarers' participation in CSCWU in Shenzhen

Survey items	Survey results		
Member of CSCWU	Not in (86 people)	Forget (10 people)	Member(14 people)
Satisfied or not	Not(101 people)	Neutral attitude(15 people)	Satisfied(4 people)
Frequency of participation in union activities	Very few(95 people)	Not much (20 people)	Many(5 people)

On the basis of the national survey data from the China MSA, approximate 46% of seafarers do not sign long-term labour contracts with employers, they are called “free seafarers” and most of them are not union members. Even those who have signed long-term labour contracts will rarely realize their membership in the labour union. In the case of labour disputes, they basically do not expect to seek help from the labour union. Questionnaire surveys showed that only about 1% to 2% of the seafarers thought of complaining to the labour union when there was a labour dispute. It can be seen that the influence of the CSCWU among seafarers is very limited.

5.2.3 Insufficient onshore welfare facilities

In MLC 2006, the provision of adequate welfare facilities and services for seafarers on affiliated ports is mandatory, and the city where the port or port is located should have institutions and sites that provide seafarers with onshore welfare facilities and services. China's international seafarers' club had a glorious past in the 1990's and served tens of thousands of seafarers. However, in recent years, most international seafarers' clubs have been in trouble, due to poor service facilities and attitudes, there are very few seafarers to patronize, fewer and fewer customers have in turn deteriorated their operating status, then a vicious circle has formed. At present, domestic ports lack basic shore-based welfare facilities and services, and seafarers are inconvenient for consumption and entertainment when they arrive at the port. Taking Dalian Port as an example, there is an average port every 4 kilometers on a coastline of nearly 100 kilometers, which constitutes China's largest port group, but the construction of welfare facilities on the seafarers' shore is far behind the construction of ports. From the following table, we can see that China's domestic ports are disparity with the Republic of Korea in providing shore-based welfare facilities for seafarers.

Table 4: Comparison of the number of seafarers' clubs

	Dalian(China)	Qingdao(China)	Tianjin(China)	Shanghai(China)	Busan (ROK)
Number of seafarers' clubs	2	1	4	6	25

Source: Thoughts on the use of shore-based welfare facilities by seafarers (Duan 2011)

5.3 Low satisfaction with seafarers' professions

The CSCWU united with the China MSA conducted a special survey on "the situation

of China's Seafarers' labour Relations" which distributed questionnaires to 300 crew members nationwide by went to Guangdong, Fujian, Tianjin, Beijing, Shanghai and other places visited more than 10 shipping enterprises, they held discussions with nearly 100 seafarers, more than 50 labour union cadres and enterprise managers to understand the labour relations of Chinese seafarers. The survey shows that 24.2% of seafarers are very dissatisfied with their work. The main reason for dissatisfaction is the inability to take care of the family. In addition, boring work, high risk of sea work, low wages, the bad working environment and the poor living conditions on the ship are also the important factors that cause the seafarers' dissatisfaction to work. 41.8% of seafarers are dissatisfied with their income and believe that their family life will not improve much in the next five years. More than 60% of seafarers had given up labour dispute settlement because of the inconvenience of labour dispute settlement caused by the particularity of their work. The general dissatisfaction of seafarers with the work has directly led to three unfavorable consequences: first, young people are unwilling to choose their crew as their profession; second, the loss of highly educated and highly qualified seafarers; the third is to reduce the crew's sense of responsibility in the ship and affect the safe operation of the ship. Seafarers are the basis for the performance of the MLC2006, they have low social status, low income, high work pressure, isolation of the working environment from the outside world, high risk and difficult rights protection. All these occupational factors have caused the seafarers to be dissatisfied with their work. If every seafarer is dissatisfied with his/she occupation, the implementation of the MLC2006 will be greatly reduced.

According to the data of the China MSA promulgated in December 2013, there were 419,029 international seafarers and 155,088 coastal seafarers. Certified seafarers (including: Captain, chief officer, second officer, third officer, chief engineer, second engineer, third engineer, sailor, motorman) totaling 472,439 people, of which 325,859 people in unlimited navigation area, 146,580 people along the sea navigation area. Among the seafarers in the coastal navigation area, there are 14 persons under the age of 20, 21,889 between the ages of 20 and 30, 34,123 between the ages of 30 and 40,

45,501 between the ages of 40 and 50, 34,950 between the ages of 50 and 60 and 10,100 over the age of 60, account for 0.01%, 14.9%, 23.3%, 31.0%, 23.8% and 6.9% of the total number of certified seafarers in the coastal area.

Table 5: Number of seafarers of different ages in coastal areas(a)

Navigating area	Age group	Number of licensed seafarers	Proportion
Number of licensed seafarers	Under 20 years	14	0.01%
	20-30years	2,1889	14.9%
	30-40years	3,4123	23.3%
	40-50years	4,5501	31.0%
	50-60years	3,4950	23.8%
	Over 60years	1,0100 人	6.9%

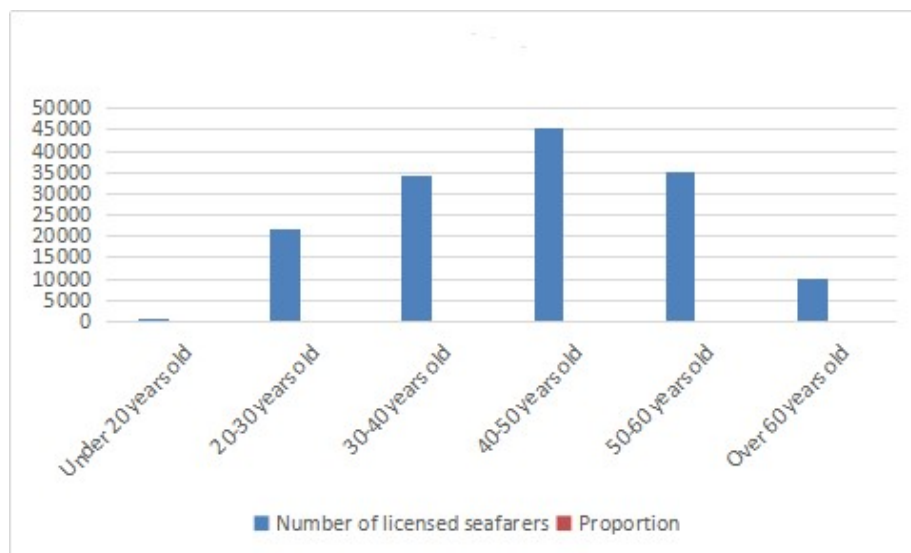


Figure 5: Number of seafarers of different ages in coastal areas

It can be seen from the table and chart that the number of licensed seafarers aged between 30 and 60 and under 30 is relatively small, indicating that many young people are no longer willing to work as seafarers(Zhong 2012).

6. Recommendations

6.1 Optimizing management responsibilities

At present, China's maritime labour supervision agencies mainly include labour security supervision departments and maritime management agencies. In view of the fact that the department in charge of labour supervision is not good at maritime labour convention supervision, it is proposed to give MSA the right to monitor maritime labour supervision. One way is to assign maritime labour security supervision authority to the MSA by amending the labour law; the other way can be specified in the ratification of the convention and the maritime labour supervision authority should be given to the MSA. The latter way is relatively easy to operate. Give MSA the authority to inspect the living conditions of the seafarer, and include the contents of the title “Sanctuary, recreational facilities, food and catering services” of the convention in the seafarer’s collective contract. The content of Title 3 of the MLC2006 was incorporated into the “Maritime Labour Certificate” and the “Maritime labour Compliance Declaration” as the contents of the flag state inspection and the corresponding penalties.

In view of the strong mobility of seafarer and the fact that the place where inspection of seafarer labour is carried out often inconsistent with the location of the shipowner or crew service organization, to establish a regional transfer mechanism for maritime labour supervision cases and notification mechanism with the labour and social security departments. Providing that the fact of violation of the convention project is found after the maritime department of the place where the inspection of seafarer labour is carried out, the relevant circumstances and the opinions taken shall be transferred to the maritime department of the place where the shipowner or seafarer service organization is located, and the maritime department of the place where the shipowner or seafarer service organization is located shall investigate and deal with the violation of the law. The maritime department completes the collection and collation of information on matters related to the labour supervision of the seafarer, and circulates regularly to the MOHRSS departments.

6.2 Enhancing the Power of CSCWU

6.2.1 Reduction of bureaucracy of the CSCWU

Gradually reduce bureaucracy of the CSCWU so that the labour union can independently exercise its rights. Adjust the management model so that the All-China Federation of Trade Unions (ACFTU) will become a coordinating agency rather than the superior of the CSCWU. In the shipping industry, all the core issues concerning the work of the labour union such as onboard safety, collective contracts, registration (employment qualifications), seafarer examinations, assessment and certification systems should be carried out by CSCWU independently so as to better protect the rights and interests of seafarers. The number of seafarers who have working experience at sea should be increased in the labour unions so as to fully reflect their own aspirations and ensure that union organizations represent the interests of seafarers(Jiang &Zhao 2016).

6.2.2 Establishment of a partnership with the International Transport Workers ' Federation (ITF)

ITF was founded in July 1896 as a non-governmental organization and has great influence in the international shipping industry. Its main responsibilities are to study trends in the international transportation industry and provide relevant information and suggestions for its members. The ITF has specialized personnel training departments to train the staff required by the alliance and its members to develop a strong and democratic transport workers' union. Up to now, the Government of China has not yet recognized the ITF organization, so any regulations and standards of ITF are not legally binding on the Chinese ship owners and the Chinese flag ships. According to statistics, from 1992 to 2000, only the flag of convenience ships owned by the former China Ocean Shipping Company Group Limited (now merged into COSCO SHIPPING group) received dozens of inspections from the ITF organization,

and more than ten ships were fined or detained. In fact, maintaining contact with the ITF organization is beneficial to the protection of China's shipping industry and seafarers' rights and interests. On the one hand, there can be less ITF strikes against Chinese ships. On the other hand, according to the requirements of the ITF's new salary standards, China's seafarers' salary standards are continuously adjusted as the economy develops. Furthermore, it can help China strengthen the strength of the sea staff meeting, maintain the balance between the power of labour and capital, and also better fulfill the convention.(Yin&Wang 2011)

6.3 Improvement of seafarer career satisfaction

6.3.1 Reducing seafarers' personal income tax

The seafarers' work day is not fixed. The current pattern of seafarers in China is that seafarers take performance pay during work on board and take basic wages during non-working days. Therefore, the wage gap is very different in different months. Due to China's progressive taxation policy, the personal income tax paid by seafarers during the work of the ship has shown a "progressive" growth, which accounts for a very high proportion of the total income of the seafarers.

Table6: Individual income tax rates in China
(Applicable to income from Wages and Salaries)

Grade	Monthly Taxable Income	Tax Rate(%)
1	That part of income in excess of 0 to 1500 yuan	3
2	That part of income in excess of 1500 to 4500 yuan	10
3	That part of income in excess of 4500 to 9000 yuan	20
4	That part of income in excess of 9000 to 35000 yuan	25
5	That part of income in excess of 35000 to 55000 yuan	30
6	That part of income in excess of 55000 to 85000 yuan	35
7	That part of income more than 85000 yuan	45

Note: Monthly taxable income mentioned in this schedule refers to the mount remaining from the gross income in a month after the deduction of 3500 yuan or the additional deduction for expenses

Source: State Administration of Taxation of The People's Republic of China

Take seafarers in the Shenzhen area as an example. The government stipulates that the minimum wage in Shenzhen in 2018 is 2,130 RMB yuan, and the minimum payment for personal pension insurance and medical insurance should be nearly 500 RMB yuan. Referring to the salary reference table in the above table, the monthly salary of the third officer of container ships is US\$2,000 (approximately 12,800 RMB yuan). If the third officer worked on the ship for eight months this year and his monthly salary was 12,800 RMB yuan, the annual income of the third officer of container ship is $12800 \times 8 + 2130 \times 4 = 102400 + 8520 = 110920$ RMB yuan. According to China's tax calculation method, his/her monthly personal income tax was 1,205 RMB yuan. His/Her should pay a total of 9,640 RMB yuan all year. However, on the same wage level of land-based occupation, if the annual income is 110920 RMB yuan, the monthly income is 9,243 RMB yuan, and the monthly personal income tax payment is 493.6 RMB yuan. In the 12 months, the personal income tax is 5,923.2 RMB yuan.

$$9640 - 5923.2 = 3716.8$$

In other words, the third officer working on the ship have to pay an additional tax of 3,718.6 RMB yuan per year compared with land-based occupations of the same income. According to the same calculation method, an additional tax of 4,967 RMB yuan will be paid each year if he/she is the second officer. The seafarers pay relatively higher taxes compared to land occupations, this is very unfair to seafarers.

In fact, the major maritime countries in the world have very preferential tax policies for seafarers' personal income tax, and even give tax exemption under certain conditions. Such as Sweden, Singapore, Philippines and other countries are completely exempted from seafarers' income tax; the UK stipulates that in a calendar year, seafarers are exempted from the country for more than 183 days, and the personal income tax is exempted; Japan stipulates that the income obtained on the land is charged with personal income tax, and the wages and subsidies issued at sea are not taxed; Holland stipulates that a ship company that sets up a permanent

institution in its territory has a 38% of the tax relief for the seafarers, and the Hongkong also stipulates that the annual local residence time of the seafarers is less than 60 days, and the individual income tax is exempted. Therefore, it is necessary for China to study and amend the tax policy for seafarers and reduce the personal income tax for seafarers(Chen &Zhang 2008).

6.3.2 Establishment of the communication mechanism between seafarers and their families

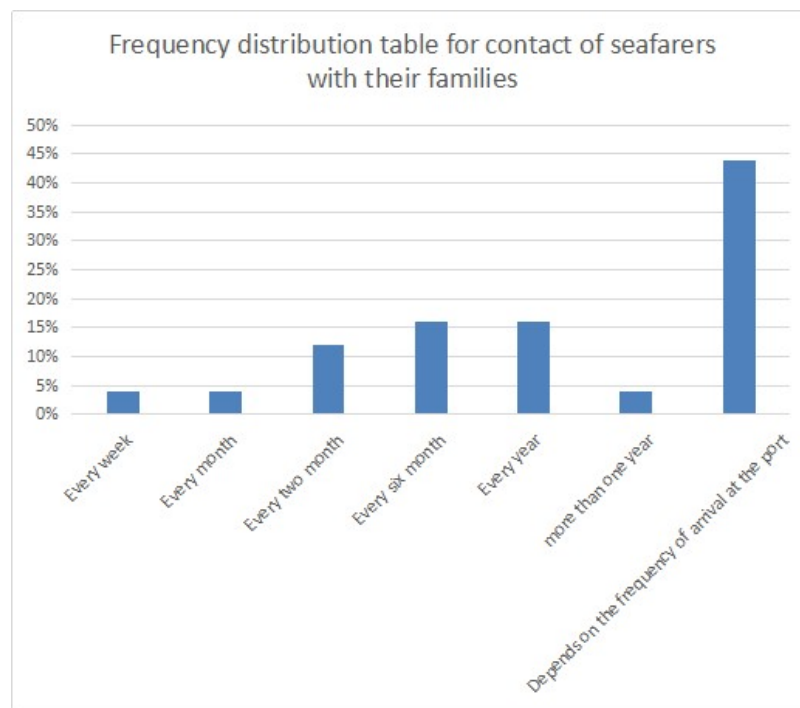


Figure 6: Frequency distribution table for contact of seafarers with their families in Shenzhen

Source: (Li 2014) Crew's Mental Health Survey and Suggestions on Crew Management

Figure 6 is part of the author's survey of seafarers in Shenzhen. It shows that less than 5% of seafarers can maintain the frequency of contact with their families on a weekly basis, and most seafarers keep in touch with their families at a low frequency(Li 2014). On the basis of the findings of the seafarers' mental health survey published at

the "Sea Health Conference" held in London. 26% of the surveyed seafarers said they felt "depressed and hopeless" in the past two weeks. At the same time, many seafarers stated that leaving the family far away has a negative impact on their health. The family is the harbor in the hearts of every seafarer. Although seafarers cannot frequently reunite in their families because of work, there are still many measures that can aid them to release their loneliness and homesickness. Therefore, it is advisable to provide convenience to the seafarers' family members and to let seafarers' family members understand the seafarers' professional work. It is also proposed to open up ship network communications and reduce costs under mature network conditions so that seafarers' families can constantly understand the seafarers' situation on the ship and promote the seafarers' safety in navigation.

6.3.3 Improvement of seafarer port service facilities

It is proposed to establish an onshore welfare facilities committee under the tripartite coordination mechanism. The major funds for the development of the International Seamen's Club can be borne by the port cities, and the port construction fees and shipping company donations can also be contributed. Establish activity rooms for seafarers' communications and entertainment in each port, every port provides convenient and cheap transportation so that seafarers can enter the port city. Set up necessary medical aid facilities so that seafarers can receive timely treatment when they are ill or injured in port. Taking the Port of Rotterdam in the Netherlands as an example, it is one of the ports most favored by seafarers. Its port is 40 km in length, 89 km in length, and 656 total berths, and its cargo volume accounts for 78% of the country's total. Rotterdam Port is the largest trans-shipment port for crude oil, petroleum products and grains in Europe. The transportation in the Rotterdam Port area is very developed, there are buses, trams and all kinds of ships for seafarers to go to the urban restaurants, fast food shops for consumption and leisure entertainment; the communication facilities in the port area are also very developed and the foreign communication is quite convenience(Zhang 2013). In general, the construction of

onshore welfare facilities has not only increased employment for the society, but also significantly improved the seafarers' happiness index.(Exarchopoulos 2018)

7. Summary and conclusion

Seafarer is great profession and have made great contributions to the development of human society. Seafarers should not be treated badly. Chinese seafarers have been looking forward to the entry into force of MLC2006 for a long time, which marks a new step in the protection of the rights and interests of the seafarer in China, and represents the attention of the whole Chinese society to the seafarers.

In the process of acceding to the MLC2006 Convention, the government, the shipowners, the labour union and other parties have done a lot of preliminary work to analyze the necessity of China's accession to MLC2006, research how to establish and revise the legal system and how to coordinate the division of responsibilities of the performance department. Through the efforts of all parties, MLC2006 was able to formally land in China in November 2016. In more than a year, China has demonstrated to the world the positive and effective progress made in implementing the convention. At the same time, taking into account that China is still a developing country that with huge number of seafarers and complicated seafarer labour relations, there are still some problems that need urgent solution such as the confusion of management relationships, the insufficient of the independence of the labour union and the low seafarers' social status. This article uses literature research methods and investigation methods to analyze and research the characteristics of MLC2006, explore the necessity and timeliness of China's joining MLC2006, find problems in the process of compliance, and put forward effective suggestions.

Albeit the rights and welfare of Chinese seafarers are still lower than those of seafarers in developed countries, with the development of China's economy and the modernization of society, Chinese seafarer will be able to achieve decent and happy

working conditions that are bound to become closer and closer.

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